



REPUBLIC OF KENYA



**Kuodi v Muny (Environment and Land Appeal E014 of 2022)
[2023] KEELC 15967 (KLR) (2 March 2023) (Ruling)**

Neutral citation: [2023] KEELC 15967 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL E014 OF 2022
GMA ONGONDO, J
MARCH 2, 2023**

BETWEEN

PANCRASIUS ULIKU KUODI APPELLANT

AND

ARPHAZED OSOMBA MUNY RESPONDENT

(Being an appeal from the judgment and decree of T.M Olando, Principal Magistrate in Homa Bay Chief Magistrate's Court Environment and Land Court case number E018 OF 2021 delivered on 16th March 2022)

RULING

1. The appellant, Pancrasius Uliku Kuodi through N Nyarige instructed by the firm of Kijana and Company Advocates has applied for withdrawal of this appeal originated by way of a memorandum of appeal dated April 19, 2022 and filed herein on April 28, 2022 with no orders as to costs.
2. The reason for the application is that appellant's son has a similar dispute with the respondent in the same court,
3. It must be noted that the appellant has the right to terminate the appeal by way of withdrawal.
4. This court is guided by article 159 (2) (b) and (d) of the Constitution of Kenya, 2010, sections 3 and 19 of the Land and Environment Court Act, 2015 (2011) and sections 1, 1A, 3 and 3A of the Civil Procedure Act Chapter 21 Laws of Kenya
5. In the circumstances, the appellant's application is meritorious. The same succeeds.
6. Accordingly, this appeal is hereby withdrawn with no orders as to costs.
7. It is so ordered.



DATED AND DELIVERED AT HOMA BAY THIS 2ND DAY OF MARCH 2023

G. M. A ONG'ONDO

JUDGE

PRESENT

1. Nancy Nyarige instructed by E. Kijana, learned counsel for the appellant.
2. Court Assistants, A. Okello and F. Mutiva.

